IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.12732 of 2004

DATE OF DECISION: MARCH 19, 2007.

Sher Singh .....Petitioner

versus

The Chief Canal officer-cum-Chief Engineer, B.W.S., Haryana and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASBIR SINGH
HON'BLE MRS.JUSTICE NIRMAL YADAV

Present: Mr.Ramesh Sharma, Advocate for the petitioner

Mr.I.S. Kang, AAG, Haryana

Mr.Ajit Sihag, Advocate for respondent No.5

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ORDER:

Dispute herein pertains to restoration of the water course, shown as 'AB' in the site plan, alleged to have been demolished by the petitioner. Respondent No.5 moved an application to the canal authorities for restoration of the abovesaid water course, by stating that the same has wrongly been demolished by the petitioner. The Sub Divisional Canal Officer, after inspecting the spot, came to a conclusion that water course was running at the spot and the same has been dismantled by the petitioner and, accordingly, its restoration was ordered. Petitioner went in appeal, which

was dismissed. The appellate authority, while dismissing his appeal, has given a direction that water course through land of the petitioner be constructed underground. If that is so, no grievance lies with the petitioner. It is only apprehension of the petitioner that at some time in future, the pipes may leak and it will spoil the crops of the petitioner. The apprehension raised is ill-founded. As and when any such occasion arises, the petitioner may approach the canal authorities to repair the underground pipes. The appellate authority has further noticed that the disputed water course has been earmarked by the Command Area Development Authority (CADA), Jind, for lining purpose and the same is approved by the State Government.

In view of the above, no case is made out for interference.

Dismissed.

(JASBIR SINGH)
JUDGE

March 19, 2007
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(NIRMAL YADAV)
JUDGE